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March 30, 2020

MEMO ENDORSED

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Consent Letter Motion

RE: United States v. Brandon Alvarez, 19 Cr. 23 (LTS)

Your Honor:

I am writing to request a continuance of the surrender date in this case. The government has no objection.

The current surrender date for my client to commence an 18-month period of incarceration is April 9, 2020, by 2PM. My request, made for the reasons stated below, is to continue the surrender date to late June, 2020.

The first reason for the request is because of the coronavirus pandemic. My client is a “high-risk” candidate for having severe problems if he contracts the virus because he is quite severely asthmatic (See PSR, page 12, paragraph 63). Several times during the time I have represented him he notified me that he was hospitalized for treatment.

The second reason for the request is that there are two open matters pending against my client in a County Court in Florida (in Kissimmee, near Orlando) which we would like to have resolved before he surrenders. (I raised this issue prior to sentence and it was for that reason that the Court did grant a fairly lengthy surrender date, but for the reasons I am about to state, it was not sufficient.) These are referred to in paragraphs 35 and 43 of the Pre-Sentence Report. Mr. Alvarez had hired an attorney while in New York prior to his being sentenced here but that attorney simply took his retainer and did nothing to restore the case to the

calendar. At my urging Mr. Alvarez hired a second attorney, and then traveled to Florida to make sure the second attorney took some action. That attorney has now achieved the setting of a court date in the County Court for May 20, 2020 [assuming that does not get postponed because of the pandemic]. Since we are not entirely sure what the outcome of dealing with the warrants may be (Mr. Alvarez might be sentenced to some jail time) I would like to know that I will have time to either make another application, if necessary, or that alternatively, if he is given a short period of jail time he can serve it prior to surrendering for the federal case.

The third reason is that we have not received a notification of where he is supposed to surrender and without some advance notice it is very difficult for him to plan for the travel which may be involved.

I have communicated about this matter with AUSA Nicholas Chiuchiolo who is representing the government in this case, and he has no objection to this request (based on the first reason alone).

Thank you very much for Your Honor's consideration of this request.

The request is granted in light of the current pandemic conditions and Mr. Alvarez's health issues. Mr. Alvarez must surrender at the designated facility by 2:00 p.m. on June 25, 2020. DE # 46 resolved. SO ORDERED.

/s/Laura Taylor Swain, USDJ 3/30/2020

cc: AUSA Nicholas Chiuchiolo, by ECF
USPO Meghan Biggs, by email

Sincerely,

Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant